



**CLERK, U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS**

ENTERED

**THE DATE OF ENTRY IS ON
THE COURT'S DOCKET**

The following constitutes the ruling of the court and has the force and effect therein described.

Signed October 31, 2018

Harry G. C. Jones
United States Bankruptcy Judge

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

IN RE:

**ACIS CAPITAL MANAGEMENT, L.P.,
ACIS CAPITAL MANAGEMENT GP,
LLC,**

DEBTORS

Case No. 18-30264-SGJ-11

Case No. 18-30265-SGJ-11

**(Jointly Administered Under
Case No. 18-30264-SGJ-11)**

Chapter 11

**HIGHLAND CAPITAL MANAGEMENT,
L.P., AND HIGHLAND CLO FUNDING,
LTD.**

Plaintiff,

V.

**ROBIN PHELAN, CHAPTER 11
TRUSTEE**

Defendant.

**ROBIN PHELAN, CHAPTER 11
TRUSTEE**

Third Party Plaintiff,

V.

Adversary No. 18-03078-SGJ

HIGHLAND HCF ADVISOR, LTD., AND §
HIGHLAND CLO MANAGEMENT, LTD. §
§
Third Party Defendants. §

ORDER ON HIGHLAND CLO FUNDING, LTD.'S MOTION TO DISMISS

CAME ON FOR CONSIDERATION, the *Motion to Dismiss Counterclaims or, Alternatively, for a More Definite Statement* [Doc. 43] (the “**HCLOF MTD**”) filed by Highland CLO Funding, Ltd. (“**HCLOF**”). The Court considered the HCLOF MTD at a hearing held on October 9, 2018 (the “**Hearing**”). Counsel for HCLOF and counsel for Robin Phelan, the Chapter 11 Trustee (the “**Trustee**”) for the above-captioned debtors, appeared and argued at the Hearing.

It is therefore, **ORDERED AND ADJUDGED AS FOLLOWS:**

1. Given that the Trustee intends to amend and/or re-file the *Defendant’s Answer, Affirmative Defenses, Counterclaims, and Third Party Claims*, filed July 2, 2018 [Doc. 23] (the “**Current Answer**”), HCLOF announced at the Hearing that the portions of the HCLOF MTD dealing with failure to state a claim upon which relief can be granted (pursuant to F.R.C.P. 12(b)(6)) or for a more definite statement (pursuant to F.R.C.P. 12(e)) are deemed withdrawn, without prejudice.
2. The portion of the HCLOF MTD dealing with lack of personal jurisdiction over HCLOF (pursuant to F.R.C.P. 12(b)(2)) is denied for the reasons stated on the record at the Hearing.

IT IS FURTHER ORDERED THAT this Court shall retain jurisdiction with respect to all matters arising from or related to the implementation, interpretation, and enforcement of this Order.

END OF ORDER

Submitted by:

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